



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

November 4, 1974

See ;
Stratton v.
County of Liberty
582 S.W. 2d 252
Tex. Civ.App.
Beaumont 1979,
Writ pending

The Honorable A. J. Hartel
County Attorney
Liberty County
Liberty, Texas

Opinion No. H-439

Re: Does grand jury have
authority to employ
persons to investigate
crime?

Dear Mr. Hartel:

You have requested our opinion on whether a grand jury has authority to employ persons to investigate crime and to make their compensation a charge on the county.

The commissioners court is the general business and contracting agency of the county, and it alone has authority to make contracts binding on the county, unless otherwise specifically provided by statute. Anderson v. Wood, 152 S.W.2d 1084, 1085 (Tex. 1941).

There is no constitutional, statutory, or case authority in Texas indicating that a grand jury may independently employ an investigator to assist it.

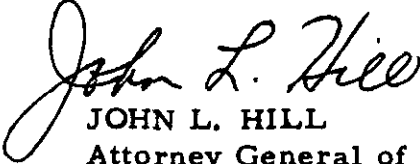
When the issue has been considered in other jurisdictions, it has been consistently held that a grand jury has no authority to employ an investigator to assist its investigations, nor to make the compensation of such an investigator a charge on the county. Allen v. Payne, 36 P.2d 614 (Cal. 1934); William J. Burns International Detective Agency v. Doyle, 208 P. 427 (Nev. 1922); Woody v. Peairs, 170 P. 660 (Cal. App. 1917). 38 C.J.S. Grand Juries § 34 p.1028 (1943); 38 Am. Jur. 2d Grand Jury § 28 p. 974 (1968).

We express no opinion on the authority of the Commissioners Court to pay for the services of investigators hired by the district attorney to assist the grand jury. In this regard see Rodgers v. County of Taylor, 368 S.W.2d 794 (Tex. Civ. App. --Eastland 1963, writ ref'd n.r.e.); Attorney General Opinions WW-1334 (1962) and M-823 (1971).

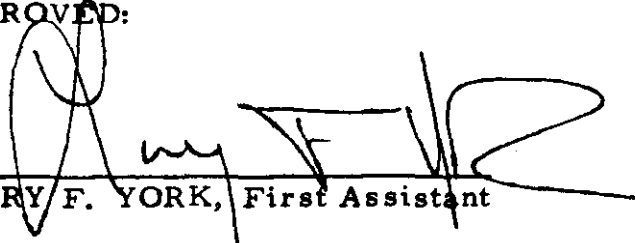
S U M M A R Y

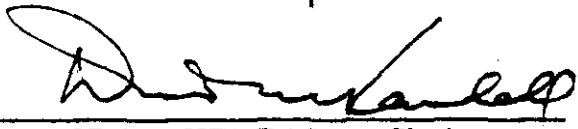
A grand jury has no authority to employ persons to investigate crime nor to make their compensation a charge on the county.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee